

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK FONTROY,

Plaintiff,

v.

CAPTAIN TURNER, et al.,

Defendants.

Civil Action No. 09-303 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on November 30, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's oral Report and Recommendation entered on the record on October 22, 2010, recommended that Plaintiff's Motion for Preliminary Injunction [Doc. No. 13] be denied. The parties were allowed fourteen (14) days in which to file objections and no objections were filed. After de novo review of the motion and documents in the case, as well as the transcript of the hearing on the Plaintiff's motion for preliminary injunction [Doc. No. 35], and together with the oral Report and Recommendation, the following order is entered:

AND NOW, this 22nd day of December, 2010;

IT IS HEREBY ORDERED that Plaintiff's Motion for Preliminary Injunction [Doc. No. 13] is DENIED.

The oral Report and Recommendation of Magistrate Judge Baxter, entered on the record on October 22, 2010, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge